

DECLARATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**DYNAMIC MARKET EQUILIBRIUM MANAGEMENT SYSTEM,
PROCESS AND ARTICLE OF MANUFACTURE**

the specification of which:

☐ is attached hereto.

☒ was filed on March 31, 1999, and identified as Attorney Docket No. MCTA-002/00US.

☐ was filed on March 31, 1999, as Application Serial No. _____.

and

☐ the amendment(s) of which were filed on _____.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s) (Country) (Number) (Day/Month/Year Filed)

Priority Claimed (Yes/No)

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below.

(Application Number)

(Filing Date)

(Application Number)

(Filing Date)

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Appl. Ser. No.

Filing Date

Status (Pat'd./Pend./Aband.)

I direct that correspondence concerning this application be directed to

COOLEY GODWARD LLP

Attention: Patent Group

Five Palo Alto Square

3000 El Camino Real

Palo Alto, California 94306-2155

Telephone (650) 843-5000

Facsimile (650) 857-0663

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or First inventor: HALBERT, Richard V.

Inventor's signature

Richard V. Halbert

Date

4/13/99

Residence:

2509 Sahalee Dr. E
Redmond, WA 98053

Citizen of:

United States of America

Post Office Address:

Same as above

Full name of sole or Second inventor: GUSTAFSSON, Niklas

Inventor's signature

Niklas Gustafsson

Date

4/13/99

Residence:

3030 168th Avenue NE
Bellevue, Washington 98008

Citizen of:

Sweden

Post Office Address:

Same as above

Full name of sole or Third inventor: THRUN, John M.

Inventor's signature

John M. Thrun

Date

4/13/99

Residence:

1833 211th Way NE
Redmond, WA 98053

Citizen of:

United States of America

Post Office Address:

Same as above

Applicant or Patentee: Tom Van Horn

Serial No.: 09/281,859

Patent No.:

Filed: March 31, 1999

Issued:

For: **DEMAND AGGREGATION THROUGH ONLINE BUYING GROUPS**

**VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS
37 CFR SECTIONS 1.9(f) & 1.27(c) - SMALL BUSINESS CONCERN**

I hereby declare that I am:

☐ the owner of the small business concern identified below:

☒ an official of the small business concern empowered to act on behalf of the concern identified below:

Name of Small Business Concern: Mercata, Inc.

Address of Small Business Concern: 110 - 110 Avenue North East, Suite 390,
Bellevue, Washington 98004-5840

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under 35, United States Code 41(a) and (b), in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention identified above and described in

☐ the specification filed herewith

☒ the application identified above

☐ the patent identified above.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) or by any concern which would

not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

Name:
Address:

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements are made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Signature

Tom Van Horn

Date

4/13/99

Name of Person Signing

Tom Van Horn

Title of person other than owner

President and CEO

Address of person signing

110 - 110 Avenue North East, Suite 390

Bellevue, Washington 98004-5840